

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

MARIA ANNE DARZI

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Case No. 4:09cr139
(Judge Schell)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 18, 2011, to determine whether Defendant violated her supervised release. Defendant was represented by Denise Benson. The Government was represented by Mandy Griffith.

On February 18, 2010, Defendant was sentenced by the Honorable Richard A. Schell to six (6) months' custody followed by three (3) years of supervised release for the offense of Use of Counterfeit Access Device (Count One) and Theft or Receipt of Stolen Mail Matter (Count Two). On March 4, 2010, an amended judgment was imposed reducing the term of imprisonment to five (5) months. On July 16, 2010, Defendant completed her period of imprisonment and began service of her supervised term.

On November 16, 2010, the U.S. Probation Officer for the Eastern District of Texas executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory condition: refrain from any unlawful use of a controlled substance. The petition asserted that Defendant violated the following standard condition: the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance or paraphernalia related to such substances, except as

prescribed by a physician. The petition alleges violation of the following special condition: the defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as the defendant is released from the program by the probation officer.

Prior to the Government putting on its case, Defendant entered a plea of true all allegations. The Court recommends that Defendant's supervised release be revoked. The Court further finds that this is a B violation, but finds that there is cause to downward depart.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of six (6) months with twenty-four (24) months of supervised release to follow.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 21st day of March, 2011.

A handwritten signature in black ink, reading "Amos Mazzant". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE